

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

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CLYDE RAY SPENCER, MATTHEW RAY  
SPENCER and KATHRYN E. TETZ,

Plaintiffs,

v.

No. 11-5424 BHS

FORMER DEPUTY PROSECUTING ATTORNEY FOR )  
CLARK COUNTY JAMES M. PETERS, DETECTIVE )  
SHARON KRAUSE, SERGEANT MICHAEL )  
DAVIDSON, CLARK COUNTY PROSECUTOR'S )  
OFFICE, CLARK COUNTY SHERIFF'S OFFICE, )  
THE COUNTY OF CLARK, SHIRLEY SPENCER )  
and JOHN DOES ONE through TEN, )

Defendants. )

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VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF  
CLYDE RAY SPENCER

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Monday, November 12, 2012  
10:00 a.m.  
1201 Third Avenue, Suite 2200  
Seattle, Washington

EXHIBIT   G  

Reported by Marlis J. DeJongh, CCR, RPR

Lic. No. DE-JO-NM-J498K9

MARLIS J. DeJONGH & ASSOCIATES  
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1 Defendant James Peters.

2 MR. BOGDANOVICH: Guy Bogdanovich on behalf of  
3 defendant Sharon Krause.

4

5 CLYDE RAY SPENCER, deponent herein, being first duly  
6 sworn on oath, was examined and  
7 testified as follows:

8

9

EXAMINATION

10 BY MR. FREIMUND:

11 Q. Please state your full name for the record and  
12 spell your last name.

13 A. Clyde Ray Spencer, S-p-e-n-c-e-r.

14 Q. Mr. Spencer, what is your date of birth?

15 A. 1/9/48.

16 Q. How old are you now?

17 A. 64.

18 Q. Are you on any medications today?

19 A. Nothing but the medications I took last night for  
20 the PTSD and the nightmares.

21 Q. What did you take last night?

22 A. I don't have that information with me. I mean, I  
23 can get it for you. My attorney can get it for you.

24 Q. Do you recall the name of the drug that you took?

25 You have to answer out loud, please.

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1 Q. Is that your worry?

2 A. Yes.

3 Q. Tell me what town you reside in.

4 A. Los Angeles.

5 Q. Los Angeles, California?

6 A. Yes.

7 Q. How long have you resided there?

8 A. Probably a year and a half now.

9 Q. How long have you been out of prison?

10 A. I was released in December of 2004.

11 Q. So during the past eight years, approximately, have  
12 any of the defendants in this case made any effort to  
13 contact you?

14 A. Not that I know of.

15 Q. But nonetheless you're afraid that they're going to  
16 sometime in the next future years?

17 A. The possibility is there.

18 Q. Are you afraid of anybody else?

19 A. No.

20 Q. So it's just the three named defendants that you're  
21 afraid of?

22 A. Correct.

23 Q. Your allegation in this case, sir, as set forth in  
24 your complaint is that there was a conspiracy to frame you  
25 for crimes that you didn't commit. Is that right?

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1 A. That's correct.

2 Q. Who was a part of this conspiracy?

3 A. Jim Peters, Michael Davidson, and Sharon Krause.

4 Q. Nobody else?

5 A. No.

6 Q. So it was just those three people that conspired  
7 against you even though you also named Shirley Spencer, the  
8 County, Clark County sheriff's office and the Clark County  
9 prosecutor's office?

10 A. Michael Davidson was employed by the Clark County  
11 sheriff's. I think Shirley Spencer was a pawn in this.

12 Q. So she was involved in the conspiracy unwittingly?

13 A. I think she was, yes.

14 Q. All right. When did this conspiracy form?

15 A. I noticed that my marriage was changing around  
16 October of 2004. Up until that point in time I had a  
17 stable, loving relationship with my wife. Suddenly the  
18 arguments began. This was after the polygraph that  
19 Detective Davidson indicated I had failed.

20 My wife went there, and after that, she apparently went  
21 to the jail, or went to the county sheriff's almost on a  
22 daily basis. I would call her for hours and she would not  
23 answer, and she would indicate that she had been at the  
24 county jail or at the sheriff's department speaking with  
25 Davidson.

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1 I believe that the relationship started at that point,  
2 and they manipulated her from on.

3 Q. And you have pretty clear memories of that time  
4 frame of October 1984?

5 A. I know that's when the relationship seemed to  
6 totally reverse. Up until that time she was supportive of  
7 me, loving. Suddenly there was no personal relationships.

8 You have to understand Shirley's mental state. She  
9 is, she's a fragmented individual. She's obsessed with  
10 jealousy. Her feelings of how to, a relationship should be,  
11 there should be a physical confrontation and then a makeup  
12 afterwards. So all of a sudden it began around that period  
13 of time.

14 Q. That period of time being October 1984?

15 A. Correct.

16 Q. What -- and that's when you think the conspiracy  
17 formed, was sometime around October 1984, just to be clear?

18 A. It is.

19 Q. What was the goal of the conspiracy, or what was  
20 the agreement to do?

21 A. I think that the agreement was to get me out of the  
22 picture. Davidson sleeping with my wife. Krause is  
23 building a career. She is working in conjunction with Jim  
24 Peters. They're giving lectures up and down the coast.

25 Q. So why -- what is Peters' motivation in this

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1 conspiracy that you believe existed?

2 A. He's building a career too.

3 Q. So Davidson had one motive to conspire, and Krause  
4 and Peters had a different motive to conspire. Is that what  
5 you're saying?

6 A. Well, I'm saying that Davidson sleeping with my  
7 wife. Krause, if you read her reports -- I was a police  
8 officer in law enforcement 14 years. You don't, you know --  
9 there is no audio, there is no video of these, of these  
10 reported interviews with the kids. She comes back a week  
11 later and writes a 20 page report with quotation marks. I'm  
12 sorry, I don't buy that. She falsified those reports.

13 Davidson was her immediate supervisor. He would have  
14 known about it. She would have had to give him everything.  
15 Peters is there, he has it.

16 Q. Okay. Let's go back to my question though. My  
17 question to you is, is it your belief that Davidson had a  
18 motive underlying this conspiracy that was different than  
19 the motive that Peters and Krause had?

20 A. Well, obviously Peters and Krause are not sleeping  
21 with my wife, so yes.

22 Q. Do you think Peters and Krause were acting in order  
23 to further this, a relationship between Mike Davidson and  
24 your wife?

25 A. Whether they were acting to further that

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1 relationship I have no idea. But I know they took an active  
2 part in this conspiracy.

3 Q. Okay. So Krause and Peters had an agreement in  
4 this conspiracy to further their career by framing you for a  
5 crime you claim you didn't commit, right?

6 A. Correct.

7 Q. But Mr. Davidson had a separate and independent  
8 reason for attempting to frame you for a crime you didn't  
9 commit, as you claim. Is that your testimony?

10 A. Davidson is the lead supervisor. Krause works  
11 directly for him. He's controlling that investigation. She  
12 has to run things through him. There is no way that I'll  
13 ever believe that he wasn't aware of what was going on. And  
14 he had his own motivation for directing that investigation.

15 Q. So his motivation was independent and different  
16 from the motivation of Krause and Peters, correct?

17 A. Correct.

18 Q. Who was the ringleader of this conspiracy?

19 A. I think Davidson. He's controlling the  
20 investigation.

21 Q. Was Mr. Rulli involved in the conspiracy?

22 A. No.

23 Q. Who were the other pawns, if there were any, in  
24 this conspiracy? You mentioned Shirley Spencer was a pawn  
25 in the conspiracy. Were there others?

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1 Q. My question to you though is, do you have any  
2 reason to doubt the accuracy of what Ms. Arden said?

3 A. I have no reason to doubt the accuracy or the  
4 inaccuracy of it.

5 Q. All right. Now let's look at the second page of  
6 Exhibit 2, please. I will direct your attention to the  
7 first full paragraph on that page which kind of looks like  
8 the second paragraph on the page.

9 And Ms. Arden here is documenting what you were telling  
10 her about your daughter Kathryn Spencer's initial disclosure  
11 of abuse.

12 Is it your understanding, sir, that that is the fact,  
13 that the first person that your daughter Kathryn Spencer  
14 disclosed sexual abuse by you, the first person she told  
15 that to you was your wife at the time Shirley Spencer?

16 A. Yes.

17 Q. And do you believe your wife Shirley Spencer was a  
18 pawn in a conspiracy at the time that disclosure was made to  
19 her by Kathryn Spencer?

20 A. I have no way of knowing that because I have no way  
21 of knowing when the affair started.

22 Q. So you don't know if she was a pawn --

23 A. I can't say.

24 Q. -- at that point or not?

25 A. No, I can't say.



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1 house?

2 A. I did, yes.

3 Q. How frequently did you do that?

4 A. Best of my knowledge, this investigation spanned  
5 probably a two to three-week period. I was assigned to the,  
6 for lack of a better term, task force, so I would imagine  
7 that I had regular shifts. I don't recall now how much time  
8 I spent.

9 Q. Okay. How often did you interact with Sharon  
10 Krause during the course of that investigation?

11 A. I didn't.

12 Q. You never met her at all?

13 A. No.

14 Q. So I thought that was the interaction where you  
15 first met Sharon Krause. I must have misunderstood because  
16 my question was, when did you first meet her?

17 A. I met Sharon Krause in the sense that they had a  
18 briefing and she was giving the briefing to the officers  
19 involved. I had no personal contact with Sharon Krause.  
20 Don't know if I ever spoke to her personally or not.

21 Q. So to your knowledge the first time you probably  
22 spoke to her personally was as reflected in Exhibit 1 on the  
23 second page at the top on the morning of August 29, 1984  
24 when you telephone called -- made a telephone call to her.  
25 Do you believe that's the first time you ever spoke to her?

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1 A. I believe that's accurate.

2 MS. ZELLNER: You need to read what he's referring  
3 to.

4 Q. After your attorney pointed out to you the second  
5 sentence to try to get you to say something different after  
6 you first said --

7 MS. ZELLNER: No, actually --

8 COURT REPORTER: Wait, wait.

9 MS. ZELLNER: I would object. You need to identify  
10 the paragraphs you're referring to.

11 MR. FREIMUND: I just did.

12 MS. ZELLNER: You didn't.

13 Q. I said, Page 2, where it says, On the morning of  
14 August 29th, 1984 I received a phone call from a male  
15 subject who identified himself as Vancouver police officer  
16 Ray Spencer, and asked, is that the first time that you  
17 spoke to Ms. Krause personally, to your knowledge?

18 A. To my knowledge, yes.

19 Q. When was the first time, to your knowledge, that  
20 you ever met or spoke to Sergeant Mike Davidson?

21 A. I served a search warrant with Davidson one time.

22 Q. Do you recall how long that was before this  
23 investigation involving you commenced?

24 A. Probably a couple years.

25 Q. Was that the first and only time you met Sergeant

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1 of that first paragraph, Detective Krause is relating that  
2 she shared with Dr. Abrams the information she had obtained  
3 from DeAnne Spencer regarding Spencer reportedly raping a  
4 neighbor girl by the name of Rhonda during the time they  
5 were living in California prior to the Spencers moving to  
6 Vancouver.

7 Do you recall Dr. Abrams asking you about that alleged  
8 rape of a neighbor girl named Rhonda?

9 A. Yes.

10 Q. Did that happen, that you had sexual relations with  
11 a neighbor girl named Rhonda?

12 A. I did. She was 19 years old, six foot one, and had  
13 a set of 38 double Ds.

14 Q. All right. And that occurred during the time you  
15 were married to DeAnne Spencer?

16 A. It did.

17 Q. Do you recall being told after the second polygraph  
18 that Dr. Abrams concluded that the results of your second  
19 polygraph were indicative of deception?

20 A. No, I recall Sergeant Davidson telling me I failed  
21 the second one too.

22 Q. Do you recall talking to Dr. Abrams about that at  
23 all?

24 A. No, because Dr. Abrams would give the polygraph and  
25 get up and walk out of the room.

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1 Q. Do you think Dr. Abrams was a pawn in the  
2 conspiracy?

3 A. I think Dr. Abrams did shoddy work. He has a  
4 reputation. I know he's not alive now, but he did shoddy  
5 work.

6 If you read the last statement on that polygraph, he  
7 wasn't conclusively -- he wasn't confident of the results,  
8 and he even says something to the effect, I'm hoping that  
9 something else comes along to clarify this.

10 But that was not what was told to me. Davidson said,  
11 you failed it.

12 Q. Do you think that Dr. Abrams was a pawn in the  
13 conspiracy you believe that existed?

14 MS. ZELLNER: Asked and answered.

15 MR. FREIMUND: It wasn't answered.

16 Could you answer it?

17 A. I think I did answer it. Dr. Abrams did shoddy  
18 work. I don't know if he was a pawn in it or not. All I  
19 know is that he wasn't a professional.

20 Q. All right. You said that Rhonda was 19 years old  
21 when you had sex with her. Did you have sex with her just  
22 one time?

23 A. Yes.

24 Q. And she was your neighbor's daughter?

25 A. That's correct.

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1 Q. How old were you when you had sex with her?

2 A. Probably 30.

3 Q. There was a confrontation with your neighbors  
4 shortly after you had sex with Rhonda, was there not?

5 A. There was.

6 Q. And they were upset, accusing you of having raped  
7 her, were they not?

8 A. Yes.

9 Q. Did you call the police that time?

10 A. No.

11 Q. Did you disclose to your wife at the time, DeAnne  
12 Spencer, that you did have sex with her but it was  
13 consensual?

14 A. No.

15 Q. Did your wife DeAnne Spencer have any knowledge  
16 about this confrontation between you and your next-door  
17 neighbor about having sexual relations with this 19-year-old  
18 named Rhonda?

19 A. They called DeAnne over there and told them. And  
20 one of the individuals that was present was a cousin of  
21 Rhonda's, and six months before she had told DeAnne and I  
22 that her cousin raped her.

23 This individual was there and he was talking some long  
24 aggressive, what he was going to do. And DeAnne says, wait  
25 a minute, she looked at me and she said, wasn't he the

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1 gave was the pending charges of these allegations.

2 Q. Would you agree with me that looking at Exhibit 4,  
3 three reasons are given on Page 2 under the paragraph of  
4 Roman Numeral 2?

5 A. Those are the reasons, yes, but they're not  
6 factual.

7 Q. Okay. The reasons that Chief Davis indicates in  
8 writing on January 8, 1985 for your termination were, one,  
9 you engaged in sexual relations with a minor and that such  
10 relations were immoral; two, that prior to joining the  
11 Vancouver Police Department you did sexually assault an  
12 individual; and three, that between October 1979 and January  
13 1980 you did report false information to your supervisors  
14 while you were involved in an undercover investigation.

15 Did I read that correctly?

16 A. You read it correctly.

17 Q. And then if you look at the next paragraph, Roman  
18 Numeral 3 there, it says, A more detailed statement of the  
19 reasons for your discharge and removal will be promptly  
20 provided to you upon your request or request by your  
21 attorney.

22 You did make such a request for a more detailed  
23 statement, did you not?

24 A. I did.

25 Q. And if you turn to the last two pages of Exhibit 4,

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1 that is the bill of particulars that begins at the top of  
2 that page: Upon the written request of Clyde Ray Spencer  
3 dated January 8, 1985 the City of Vancouver hereby provides  
4 the following bill of particulars supporting its notice of  
5 dismissal dated January, 1985.

6 Did I read that correctly?

7 A. Yes, you did.

8 Q. And it clarifies or expands upon those three  
9 reasons I just gave you, the reference to having sex with --  
10 sexually assaulting an individual prior to joining the  
11 Vancouver Police Department is explained in more detail  
12 under Allegation No. 1, is it not?

13 A. That's what the allegation is, yes.

14 Q. And that references the forcible rape without  
15 consent of Rhonda Short, correct?

16 A. That was consensual. It was not a rape.

17 Q. But yet the Vancouver Police Department concluded  
18 that it was forcible without consent, and based on that  
19 conclusion that was one of the reasons they gave you for why  
20 they fired you, correct?

21 A. Where is the due process in that?

22 Q. Is that correct? That's one of the reasons they  
23 gave you for why they --

24 A. That's one of the reasons they gave but it's not  
25 accurate.

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1 it.

2 Q. All right. Do you think it was inappropriate for  
3 you to have Nancy -- sexual relationship with Nancy Steigman  
4 under the circumstances that you were engaged in?

5 A. No.

6 Q. It was perfectly okay?

7 A. You know, I haven't -- I haven't diminished the  
8 fact that I had affairs, that I slept with women. So I'm  
9 not going to sit here and try to justify it, if that's what  
10 you're looking for.

11 Q. I'm just asking --

12 A. I did it. I slept with her.

13 Q. I understand that. I'm asking if you think it's  
14 okay that you did so.

15 A. Yeah.

16 Q. Okay. Do you think there was nothing wrong with  
17 you having a sexual relationship with Rhonda Short?

18 A. That was consensual. She came to the house that  
19 night to talk to me about the fact that her boyfriend was  
20 coming over the next day, along with a girlfriend and her  
21 boyfriend, and that she was trying to figure out how she  
22 could not bring her girlfriend and boyfriend over there so  
23 she could sleep with the guy. The next day she came to my  
24 house for my son's birthday party. Does that sound like  
25 somebody that has been violently raped? Why would she come



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1 February 20, 1985 she wasn't at work because she was ill but  
2 yet while at home she received a call that Clark County  
3 deputies had responded again to the Spencer residence on a  
4 civil standby regarding some guns.

5 Do you recall an incident on or about February 20, 1985  
6 where the police again came to your home this time in  
7 relationship to issues regarding some weapons you had there?

8 A. Yes.

9 Q. So Detective Krause is accurately reporting that  
10 this incident did in fact occur, is she not?

11 A. Yeah. This was after Shirley Spencer had dropped  
12 her five-year-old off at my motel.

13 Now I don't know about you, but I had already been  
14 arrested for supposedly pedophilia with my daughter. What  
15 reasonable woman would drop her five-year-old off there if  
16 she thought there was any danger of it.

17 And why is it that for a week before that every time I  
18 asked Shirley to stay she would say, I can't because if I do  
19 I can't go through with this.

20 That was a setup. The whole thing was a setup between  
21 Krause, Davidson and Peters. They manipulated Shirley, they  
22 knew their case was weak. They didn't have probable cause  
23 to make the first arrest because it was based on false  
24 reporting.

25 Q. So you think a deputy prosecuting attorney Jim

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1 Peters was involved in the decision to urge Shirley Spencer  
2 to take her five-year-old son to stay with you at this  
3 motel?

4 A. I think Michael Davidson did that.

5 Q. Well, you mentioned Peters too and that's why --

6 A. That's part of the conspiracy, yes.

7 Q. So you think Peters was involved in that decision?

8 A. I think Michael Davidson is the one that  
9 manipulated Shirley into dropping that child off knowing  
10 there was no damage because I didn't do it. They had  
11 already falsified these reports.

12 Q. Try to listen to my question, sir. I'm focusing on  
13 Jim Peters, the prosecutor.

14 A. I believe I've answered that question. It was  
15 Michael Davidson. That's who I feel manipulated this child,  
16 or manipulated Shirley into dropping this child off.

17 Q. So you don't think Jim Peters had any role in that  
18 decision?

19 A. I think Jim Peters is as deep involved in this  
20 conspiracy as all the rest of them.

21 Q. So try to answer my question then.

22 A. I think I just did.

23 Q. Do you think that Jim Peters was involved in a  
24 decision to urge Shirley Spencer to take her five-year-old  
25 son to the motel you were staying in?

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1 A. I don't think that Davidson had a -- was, probably  
2 didn't even tell Peters. Okay.

3 Q. So you don't think Peters was involved in that  
4 decision then?

5 A. I don't know whether he was or not. I'll tell you  
6 right now that, would you drop a five-year-old at somebody's  
7 motel to spend the night, you don't bring them clothes,  
8 don't bring them toys, you drop them off, somebody that had  
9 just been arrested and was out of OR on pedophilia and  
10 you're going to drop a child off? I'm sorry, I'm not buying  
11 that.

12 Q. Do you think that Detective Krause was involved in  
13 a decision to convince Shirley Spencer to drop her  
14 five-year-old son off at that motel room?

15 A. Yes, I do.

16 Q. What do think she did?

17 A. Excuse me?

18 Q. What do you think she did to enable that to happen?

19 A. I think they realized their case was falling apart  
20 and they needed something to buffer it. Why would they hide  
21 the medical exams on my daughter?

22 Q. So just so I understand your testimony, you think a  
23 sergeant in a sheriff's office and a detective in a  
24 sheriff's office convinced a mother of a five-year-old child  
25 to take her child to a motel room where a man has been

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1 eyes on DeAnne.

2 Q. Maybe you could answer my question first and  
3 then --

4 MS. ZELLNER: He's answering.

5 A. I am answering your question, sir.

6 Q. All right. Go ahead.

7 A. I met DeAnne in a book store in Sacramento. She  
8 had hip huggers to where I could see below her navel, she  
9 had a cropped top on with her breast hanging out and long  
10 blonde wigs.

11 I had nothing to do -- she was hanging with an older  
12 aunt at the time. That's how she dressed. I didn't make  
13 her dress like that.

14 Q. Now your testimony, sir, is both DeAnne and Shirley  
15 Spencer had a lot of problems, right?

16 A. That's correct.

17 Q. And they both ultimately were out to get you?

18 A. That's correct.

19 Q. And they both ultimately made up stories about you  
20 to make you look bad. Is that --

21 A. Based on information that they were receiving from  
22 Detective Krause and Michael Davidson.

23 Q. Do you think Detective Krause -- let me start with  
24 Davidson. Do you have any reason to believe Sergeant  
25 Davidson had any contact with DeAnne Spencer down in

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1 asking you though is what do you believe. Not what you know  
2 but what you believe. Are you with me so far?

3 A. Yeah. I'm a fairly intelligent man. I think I  
4 understand English.

5 Q. So I am asking you, do you believe, whether you  
6 know it's true or not, but do you believe that Detective  
7 Davidson, I'm sorry, Sergeant Davidson manipulated Kathryn  
8 Spencer into making her first disclosure to Shirley Spencer?

9 A. Probably not.

10 Q. Do you believe that Shirley Spencer manipulated  
11 Kathryn Spencer into making that disclosure?

12 A. I have no idea. I have no idea.

13 Q. You're less sure in that belief?

14 A. She was being manipulated but I don't know by who.

15 Q. Did it ever come to your attention that Kathryn  
16 Spencer first disclosed sexual abuse by you to Shirley  
17 Spencer and then the second time she disclosed that sexual  
18 abuse was to her therapist in Sacramento?

19 A. It's my understanding that she kept telling the  
20 therapist that nothing happened.

21 Q. That's your understanding?

22 A. That was my understanding.

23 Q. So if it came to your attention that in fact she  
24 not only told the therapist -- let's get a date here.

25 MS. ZELLNER: Let's get the date.

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1 Big Matt said I did it, then I must have done it?

2 A. When the charges were lodged in reference to Big  
3 Matt, I had lost everything. My mental state was extremely  
4 low. I was heavily medicated, I was hallucinating. I would  
5 jump at every sound. I'm locked in a county jail in a  
6 medical ward. So, yeah, I may have said that. That may  
7 have been the final straw right there.

8 Q. And you do recall telling the judge when you plead  
9 guilty to the judge that you can't remember it and that's  
10 why you were pleading guilty. Do you remember that?

11 A. I believe I said that to the judge, yes.

12 Q. By the way, your belief is this judge, Judge Thomas  
13 Lodge, Clark County Superior Court judge, you thought he had  
14 it in for you because you had pulled over his daughter  
15 sometime previously. Is that right?

16 A. That's correct. She nearly ran my car -- she was  
17 racing another guy and nearly ran my police car into the  
18 Columbia River.

19 When I stopped her, ID'd her, saw the last name, I asked  
20 if her dad was Tom Lodge and she said yes. I went ahead and  
21 released her. And as a father I called him that night and  
22 said, You may want to talk to your daughter.

23 And Judge Lodge says, what right do you have to stop my  
24 daughter. I said, I didn't know it was your daughter. He  
25 said, I want to know what right you had to stop my daughter.

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1 Q. So you thought Judge Lodge kind of held a grudge  
2 against you for the incident?

3 A. Well, Judge Lodge gave me the harshest sentence  
4 that was ever handed out in Clark County, so probably.

5 Q. Do you think Judge Lodge took out his displeasure  
6 with you in other ways besides issuing a life sentence to  
7 you for multiple counts of sexually abusing three children?

8 A. I think Judge Lodge made his decision based on the  
9 information that was provided to him, which nobody ever told  
10 him that allegedly there were a dozen other cops involved in  
11 these molestations. It was not stressed to him my mental  
12 state at the time. It was not stressed to him that there  
13 was an affair going on with Michael Davidson and my wife.  
14 It was not stressed to him that there was a videotape that  
15 wasn't turned over for 25 years. Judge Lodge made his  
16 decision on what they gave him and it was very little.

17 Q. And it also was your agreement that you would  
18 accept a plea of guilty because you believed that a jury  
19 would convict you?

20 A. That's the basis of an Alford Plea, yes, sir.

21 Q. When you say, what did you say, that a dozen cops  
22 were involved?

23 A. Well, that's what was told, that there were  
24 multiple police officers that also were involved in this  
25 molestation.

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1 VIDEOPHOTOGRAPHER: Going off record. The time now is

2 4:27 p.m.

3 (Recess.)

4 VIDEOPHOTOGRAPHER: Back on record. The time now is

5 4:39 p.m.

6

7

EXAMINATION

8 BY MS. FETTERLY:

9 Q. Mr. Spencer, I think we've been introduced earlier.

10 I represent James Peters, another defendant.

11 Earlier in Mr. Freimund's questions there was a lot of  
12 discussion about what you term a conspiracy to obtain a  
13 conviction and frame you for a crime that you didn't commit,  
14 or several crimes you didn't commit. Do you remember that  
15 discussion?

16 A. Yes, ma'am.

17 Q. And it's your contention, as I understand that  
18 earlier testimony, that Defendant James Peters was also a  
19 part of that conspiracy. Is that correct?

20 A. Yes.

21 Q. When did he join that conspiracy?

22 A. Well, I have no idea when he was joining a  
23 conspiracy but it's my understanding that Krause was in  
24 contact with him on a regular basis.

25 It's also my understanding that the night before that



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1 videotape was made that Krause and Rulli met with my  
2 daughter.

3 Q. Krause and Rulli?

4 A. Not Rulli, but Peters. And I think the fact that  
5 that videotape is pretty damning as far as his role in this  
6 whole thing.

7 Q. Well, my question was, when did he join the  
8 conspiracy.

9 A. Well, again, I have no idea when he joined it other  
10 than the fact that he was in regular contact, is my  
11 understanding, with Sharon Krause. He was the prosecutor in  
12 the case.

13 Q. Well, we'll explore that a little further in a  
14 moment.

15 Was there anything particularly unusual in your mind for  
16 Mr. Peters as a deputy prosecuting attorney for Clark County  
17 to be in fairly regular contact on cases in general with  
18 Sharon Krause who was a detective?

19 A. Well, it's something that would happen on a regular  
20 basis but he should have also been questioning these reports  
21 that she was putting together.

22 Q. Well, we'll get to that in a minute. My question  
23 was simply, is there anything, in the abstract, unusual  
24 about a deputy prosecuting attorney having fairly regular  
25 contact on cases with a detective in the sheriff's office?

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1 A. No.

2 Q. Now is it your contention that James Peters knew of  
3 the sexual relationship that you maintain took place between  
4 Michael Davidson and Shirley Spencer prior to the time that  
5 you entered your guilty plea in May of 1985?

6 A. I can't say that for a fact, but it, according to  
7 Krause, it was common knowledge.

8 Q. You're basing it on Ms. Krause's earlier statement,  
9 I think taken out of context in one of her depositions, that  
10 it was common knowledge. Is that what you base it on?

11 A. I question taken out of context.

12 Q. Okay. You're basing it -- any other evidence to  
13 suggest that he, when he knew of the relationship and that  
14 he knew of it before May of 1985?

15 A. I have no indication that he knew or he didn't  
16 know.

17 Q. Now you allege at one point in the complaint that  
18 Mr. Peters was what you described heavily involved in the  
19 investigation of the Spencer case. When -- how was he  
20 heavily involved in the investigation as opposed to the  
21 prosecution?

22 A. He was -- he's the one that was overseeing this  
23 investigation as far as the prosecutor's office. He was  
24 meeting with Krause on a regular basis. It was his  
25 decisions whether he wanted to make the arrest, he wanted to

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1 to, I think you said collaborate, was that the word you  
2 used, with law enforcement in an investigation, how do you  
3 know that?

4 A. I was a police officers for 14 years.

5 Q. Have you yourself ever collaborated with a  
6 prosecuting attorney while an investigation is ongoing, in  
7 other words, before a decision has been made to file  
8 charges?

9 A. Sure.

10 Q. And now let's turn to September of 1984. Was he  
11 involved in the investigation at that point?

12 A. Again, I have no idea when he was or he wasn't.

13 Q. Who made the decision to file charges against you?

14 A. I assume Jim Peters did.

15 Q. Who actually filed the charges?

16 A. I don't know if Jim Peters in conjunction with his  
17 boss Art Curtis, I don't know exactly who filed them.

18 MS. FETTERLY: This might help. I'll ask the court  
19 reporter to mark this, please.

20 (Exhibit No. 10 marked for identification.)

21 Q. Does that document, Exhibit No. 10, refresh your  
22 recollection as to who actually filed the initial  
23 information?

24 A. Based on this it indicates that Art Curtis did.

25 Q. Was Art Curtis involved in the conspiracy that you

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1 talked about earlier?

2 A. No, I don't believe he was, but I also am led to  
3 believe that Jim Peters was the actual prosecutor that was  
4 monitoring this case as it went along.

5 Now, Art Curtis was his boss so it's not uncommon for  
6 him to have sent it up there and conferred with Art Curtis.

7 Q. So you said Art Curtis at the time was James  
8 Peters' boss. Would it be likely then that Mr. Curtis would  
9 take direction from one of his deputies that he had to file  
10 charges?

11 A. Not necessarily. If he brought the information to  
12 his boss based on what the information he had, then it would  
13 not be uncommon for them to go forth and then Art Curtis may  
14 have signed this.

15 Q. Why do you assume that Mr. Curtis signed this  
16 solely on information Mr. Peters brought forth?

17 A. Well, it's my understanding that Art Curtis was not  
18 directly involved in this investigation, so who else, whom  
19 else would it be that is bringing this information to the  
20 prosecutor's office.

21 Q. Do you have any knowledge whether or not Mr. Curtis  
22 was conferring with representatives from not only the  
23 sheriff's department, including the elected sheriff, and  
24 also was communicating with the police chief shortly before  
25 these charges were filed that might have led him to make the